

1 ROBERT H. REXRODE (California State Bar No. 230024)
2 ANTONIO CERVANTES (California State Bar No. 277726)
3 Attorneys At Law
4 427 C Street, Suite 310
5 San Diego, CA 92101
6 Tel. (619) 630-4435 ~ (619) 356-0777 ~ Fax (619) 345-4720
7 Email: robert_rexrode@rexrodelawoffices.com
8 Email: antonio@cervanteshodges.com

JS-6

9 Attorneys for Defendant Consuelo Galvan

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 TRUSTEES OF THE OPERATING) Case No. SACV-15-0556 AG (RNBx)
13 ENGINEERS PENSION TRUST,)
14) **JUDGMENT**
15 Plaintiff,)
16 v.) **Judge: Hon. Andrew J. Guilford**
17)
18 RENE BURGOS, an individual; and)
19 CONSUELO GALVAN, an individual,)
20 Defendants.)
21)

22 This action having been commenced on April 9, 2015, and the Court having
23 approved the stipulation of the parties for entry of judgment, and for good cause shown:

24 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as follows:

25 1. Rene Burgos (“Rene”) is deemed to be the beneficiary on Benjamin Burgos’
26 (“Benjamin”) account with the Operating Engineers Pension Trust (“Trust”) with respect
27 to fifty percent (50%) of the death benefits payable on Benjamin’s account, subject to
28 adjustments set out in paragraph 3 below.

1 2. Consuelo Galvan ("Consuelo") is deemed to be the beneficiary on Benjamin's
2 account with the Trust with respect to fifty percent (50%) of the death benefits payable
3 on Benjamin's account, subject to adjustments set out in paragraph 3 below.

4 3. The Trust was awarded attorneys' fees of \$7,080 and costs of \$1,157.40 (Dkt.
5 33), incurred by the Trust in bringing this interpleader action, and such fees shall be
6 deducted from the death benefits payable from the Trust pursuant to this Judgment. For
7 the time period of August 1, 2014, through February 29, 2016, the Trust withheld pension
8 benefits in the amount of \$24,662.00. The amount of \$8,237.40 shall be withheld by the
9 Trust and applied to the Trust's attorneys' fees and costs. The remaining \$16,424.60 of
10 withheld death benefits payable on Benjamin's account shall be paid to Rene and
11 Consuelo in accordance with the percentages set forth in paragraphs 1 and 2
12 hereinabove.

13 4. Beginning the first month after the Court enters Judgment and after the
14 amounts set forth in paragraph 3 hereinabove are paid, the Trust shall pay Rene \$649.00
15 [fifty percent (50%)] of each subsequent monthly death benefit payable on Benjamin's
16 account with the Trust. The Trust shall pay Consuelo \$649.00 [fifty percent (50%)] of
17 each subsequent monthly death benefit payable on Benjamin's account with the Trust.

18 5. Each defendant shall be, and hereby is, restrained from instituting any action or
19 actions against the Operating Engineers Pension Trust, in any forum, relating to the
20 benefits payable on Ben Burgos' account from the Operating Engineers Pension Trust,
21 other than to enforce a Judgment entered by this Court.

22 6. If Rene Burgos or Consuelo Galvan do not survive until the balance of such
23 benefits have been paid in full, then any remaining death benefits will be paid pursuant to
24 the rules of the Plan.

25 7. Rene Burgos and Consuelo Galvan shall each be responsible for any federal and
26 state taxes due upon the amounts awarded and/or paid to them pursuant to the Judgment
27 or any order of the Court. It is acknowledged and agreed that the Trust's attorney's fees
28 and costs retained by the Trust pursuant to paragraph 3, above will be retained from

1 benefits otherwise awarded to Rene Burgos and Consuelo Galvan.
2

3 This order constitutes a final judgment under the Federal Rules of Civil Procedure.

4 This order constitutes a final judgment under the Federal Rules of Civil Procedure.

5 **IT IS SO ORDERED.**
6
7
8

9 Dated: February 29, 2016



The Honorable Andrew J. Guilford
United States District Court Judge